

**REMARKS**

Claims 1-25 were pending. Claims 8, 9, 11, 23, and 24 have been amended. Accordingly, claims 1-25 remain pending.

In the present Office Action, claims 1-2, 4-5, and 8-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,903,314 (hereinafter "Nijima"). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima. Claims 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima in view of U.S. Patent No. 5,884,056 (hereinafter "Steele"). Finally, claims 6-7 and 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima in view of U.S. Patent No. 5,621,456 (hereinafter "Florin"). Applicant respectfully traverses these rejections and requests reconsideration in view of the comments below.

In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicant respectfully submits that each of the claims 1-25 recite elements which are not taught, suggested, or implied by Nijima.

For example, claim 1 recites a method which includes "displaying on the screen one or more selection options, wherein said one or more selection options includes a first selection option which indicates a request to view at least one still image; receiving user input selecting said first selection option which indicates a request to view said at least one still image; capturing said at least one still image from said first still image channel; and the subscriber television displaying on the screen said at least one still image received on said first still image channel." Accordingly, claim 1 generally recites displaying a selection option which indicates a request to view a still image, receiving user input which selects the option, capturing the requested still image from the still image channel, and displaying the captured still image.

In contrast to claim 1, Niijima is directed to an electronic program guide (EPG) which includes displaying program channel preview screens as reduced size video content (or optionally still images) as a selection option which indicates a request to view the corresponding video content (a program), receiving user input, and displaying the corresponding video content. For example, Niijima teaches:

“One of reduced screens displayed on the monitor apparatus 4 can be selected by manually operating the remote commander 5 to move and settle the cursor. If a reduced screen corresponding to a program desired by the viewer is selected, then the processing apparatus 2b delivers an instruction to the reception section 2a to output the program corresponding to the selected reduced screen (the program (screen of the full size) linked to the reduced screen) and then supplies ordinary program data obtained in response to the instruction to the monitor apparatus 4 so that the data may be displayed on the monitor apparatus 4.” (Niijima, col. 13, line 61 – col. 14, line 5).

“To this end, the archiving section 52 provides a link between each reduced screen and a corresponding program. In particular, for example, the archiving section 52 adds, to data of each reduced screen, the number of a broadcasting channel of a program corresponding to the reduced screen and transmits the number of the broadcasting channel as EPG data. Consequently, when a reduced screen forming a preview screen is selected, a program linked to the reduced screen, that is, a screen (program) of the full size corresponding to the selected reduced screen, can be displayed.” (Niijima, col. 12, line 63 – col. 13, line 5).

“The program selection request is received by the EPG processing section 302 via the cable network 310. Upon reception of the program selection request, the EPG processing section 302 controls the video server 303 to transmit a program corresponding to the program selection request. The video server 303 starts transmission of the program under the control of the EPG processing section 302. Consequently, the viewer can enjoy the program requested (selected) by the viewer.” (Niijima, col. 33, lines 3-11).

Therefore, Niijima does not teach “wherein said one or more selection options includes a first selection option which indicates a request to view at least one still image.” Rather, Niijima teaches an EPG with a selection option which indicates a request to view a corresponding program. In addition, Niijima does not teach capturing a still image from

a still image channel in response to a user's selection of an option indicating a desire to view the still image. Rather, Nijima teaches conveying preview screens which themselves serve as selection options in an EPG. In response to selecting one of the preview screens, Nijima teaches supplying ordinary program data in response to the user selection. Finally, Nijima does not teach displaying the captured still image. Rather, as already noted, Nijima teaches displaying a selected program. Accordingly, for at least the above reasons, each of claims 1-2, 4-5, and 8-14 are patentably distinct from the cited art.

It is also noted that each of the 35 U.S.C. § 103(a) rejections depend upon Nijima as teaching the above features. However, as Nijima does not teach the above discussed features, a prima facie case of obviousness is not established with respect to each of the remaining claims. Accordingly, each of claims 1-25 are believed patentable over the cited art.

Applicant also notes that additional features are recited by the claims which are neither taught nor suggested by the cited art. For example, claim 8 recites the broadcasting comprises "executable interactive program content with one or more of said channels; wherein the method further comprises the subscriber television executing said interactive program content; and wherein said displaying on the screen said one or more selection options is performed in response to the subscriber television executing said interactive program content associated with said video content from said one of said one or more channels." None of the cited art teaches or suggests the recited executable interactive program content. In contrast, the cited art merely teaches conveying data. For example, Nijima merely teaches that data is transmitted to a viewer and the set top box processes the received data. (Nijima, col. 31, lines 13-21). Accordingly, each of claims 8, 9, 11, 23, and 24 recite additional features neither taught nor suggested by the cited art.

**Obviousness-Type Double Patenting Rejection**

Claims 1-25 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 68-69 of U.S. Patent No. 5,903,816. Applicant will file a terminal disclaimer in response to an indication that the claims would otherwise be allowable.

**CONCLUSION**

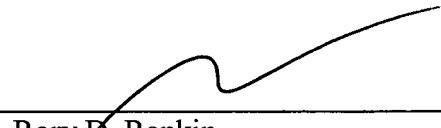
Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5180-01106/RDR.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,

  
\_\_\_\_\_  
Rory D. Rankin  
Reg. No. 47,884  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,  
Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800

Date: 9/17/04